

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

THIS DOCUMENT RELATES TO ALL
CLASS ACTIONS

)
) MDL No. 1456
)

) CIVIL ACTION: 01-CV-12257-PBS
)

) Judge Patti B. Saris
)

) Chief Magistrate Judge Marianne B. Bowler
)

NOTICE OF FILING UNDER SEAL

To: All Counsel of Record

Please take notice that on December 17, 2004, we caused to be filed with the Clerk of the District of Massachusetts under seal the following:

1. Plaintiffs' Reply Memorandum in Support of Class Certification;
2. Plaintiffs' Appendix of Summary Charts in Support of Class Certification;
3. Exhibits 1-2, 4-9 and 11 to the Declaration of Steve W. Berman in Support of Plaintiffs' Reply Memorandum in Support of Class Certification;
4. Rebuttal Declaration of Raymond S. Hartman in Support Plaintiffs' Motion for Class Certification;
5. Plaintiffs' Reply to Astrazeneca Pharmaceutical LP's Individual Memorandum in Opposition to Class Certification;
6. Exhibits 1-24 to the Declaration of Steve W. Berman in Support of Plaintiffs' Reply to Astrazeneca Pharmaceutical LP's Individual Memorandum in Opposition to for Class Certification;
7. Plaintiffs' Reply to Schering-Plough Group's Individual Memorandum in Opposition to Class Certification;

8. Exhibits 3-16 to the Declaration of Steve W. Berman in Support of Plaintiffs' Reply to Schering-Plough Group's Individual Memorandum in Opposition to Class Certification;
9. Plaintiffs' Reply to Bristol-Myers Squibb's Individual Memorandum in Opposition to Class Certification;
10. Exhibits 1-11 to the Declaration of Steve W. Berman in Support of Plaintiffs' Reply to Bristol-Myers Squibb's Individual Memorandum in Opposition to Class Certification;
11. Plaintiffs' Reply to Johnson & Johnson's Individual Memorandum in Opposition to Class Certification;
12. Exhibits 1-15 to the Declaration of Steve W. Berman In Support of Plaintiffs' Reply to Johnson & Johnson's Individual Memorandum in Opposition to Class Certification;
13. Plaintiffs' Memorandum in Opposition to Defendants' Motion to Strike the Harman Declaration;
14. Declaration of Dr. Raymond S. Hartman in Rebuttal to Dr. Halbert L. White;
15. Class Plaintiffs' Memorandum in Support of Their Motion to Strike Declaration of Eric M. Gaier, Ph.D.;
16. Class Plaintiffs' Memorandum in Support of Their Motion To Strike Portions of the Declaration of Robert P. Navarro;
17. Class Plaintiffs' Memorandum in Support of Their Motion to Strike Portions of the Declaration of Steven J. Young; and
18. Exhibits 1-6 and 9-13 to the Declaration of Thomas M. Sobol in Support of Class Plaintiffs' Motions to Strike Declarations of Eric M. Gaier Ph.D., Robert P. Navarro, and Steve J. Young.

DATED: December 17, 2004.

By /s/ Steve W. Berman
Thomas M. Sobol (BBO#471770)
Edward Notargiacomo (BBO#567636)
Hagens Berman LLP
One Main Street, 4th Floor
Cambridge, MA 02142
Telephone: (617) 482-3700
Facsimile: (617) 482-3003
LIAISON COUNSEL

Steve W. Berman
Sean R. Matt
Hagens Berman LLP
1301 Fifth Avenue, Suite 2900
Seattle, WA 98101
Telephone: (206) 623-7292
Facsimile: (206) 623-0594

Elizabeth Hartweg Fegan
Hagens Berman LLP
60 W. Randolph Street, Suite 200
Chicago, IL 60601
Telephone: (312) 762-9235
Facsimile: (312) 762-9286

Jeffrey Kodroff
John Macoretta
Spector, Roseman & Kodroff, P.C.
1818 Market Street, Suite 2500
Philadelphia, PA 19103
Telephone: (215) 496-0300
Facsimile: (215) 496-6611

Samuel Heins
Alan I. Gilbert
Brian L. Williams
Susan E. MacMenamin
Heins, Mills & Olson, P.C.
3550 IDS Center
80 South Eighth Street
Minneapolis, MN 55402
Telephone: (612) 338-4605
Facsimile: (612) 338-4692

**CHAIRS OF LEAD COUNSEL
COMMITTEE**

Marc H. Edelson
Allan Hoffman
Hoffman & Edelson
45 West Court Street
Doylestown, PA 18901
Telephone: (215) 230-8043
Facsimile: (215) 230-8735

Kenneth A. Wexler
Jennifer F. Connolly
The Wexler Firm
One North LaSalle Street, Suite 2000
Chicago, IL 60602
Telephone: (312) 346-2222
Facsimile: (312) 346-0022

**MEMBERS OF LEAD COUNSEL
COMMITTEE AND EXECUTIVE
COMMITTEE**

CERTIFICATE OF SERVICE

I hereby certify that I, Steve W. Berman, an attorney, caused a true and correct copy of the foregoing **NOTICE OF FILING UNDER SEAL** to be electronically filed with the Court pursuant to the December 16, 2004 Order and to be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending on December 17, 2004 a copy to Verilaw Technologies for posting and notification to all parties.

By /s/ Steve W. Berman
Steve W. Berman
HAGENS BERMAN LLP
1301 Fifth Avenue, Suite 2900
Seattle, WA 98101
(206) 623-7292